

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY  
NEWARK DIVISION**

THERESA DALTON,

Plaintiff,

v.

NOVARTIS PHARMACEUTICALS  
CORPORATION,

Defendant.

No. 2:20-cv-02913-ES-CLW

**ORAL ARGUMENT REQUESTED**

**PLAINTIFF'S MOTION TO REMAND TO MORRIS COUNTY**

PLEASE TAKE NOTICE that Plaintiff Theresa Dalton will move on May 18, 2020, or as soon as can be heard, for an order remanding the instant matter to the Superior Court of New Jersey, Morris County.

As set forth in the concurrently filed supporting memorandum, declaration, and exhibits, Defendant Novartis Pharmaceuticals Corporation improperly removed this action, because the forum defendant rule, codified in 28 U.S.C. § 1441(b)(2), prevents removal based on diversity jurisdiction because Novartis is a citizen of New Jersey and was properly served before it attempted to remove this action. In improperly removing this action, Novartis made affirmative misrepresentations to this Court that it had not been served, when in fact it had. Therefore, this case should be remanded, and Plaintiff respectfully requests that she be awarded her reasonable fees and costs in bringing this motion.

Plaintiff makes this motion based on the accompanying memorandum of law, declaration, exhibits, and any oral argument, if granted, in this matter.

Dated: April 15, 2020

Respectfully Submitted,

**PARKER WAICHMAN LLP**

By: /s/Melanie H. Muhlstock  
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CERTIFICATE OF SERVICE

I certify that on this 15<sup>th</sup> day of April 2020, I electronically filed the foregoing document with the Clerk of the Court and a copy of the foregoing was served upon all counsel of record by using the CM/ECF system.

/s/Melanie H. Muhlstock

Melanie H. Muhlstock

*Attorney for Plaintiff*